BINATIONAL MIGRANT CHILDREN AND ACCESS TO EDUCATION IN MEXICO

❖ BINATIONAL MIGRANT CHILDREN IN MEXICAN PRIMARY EDUCATION: STATISTICS[1]

- The 2010 Mexican census identified 597,000 U.S.-born children living in Mexico. As children of a Mexican mother or father, they have the constitutional right to Mexican nationality. However, it is unclear how many of these children have been able to register as Mexican citizens either in the Mexican Consulate in the US, or after returning to Mexico in the Mexican Civil Registry.[2]
- The Department of Public Education (SEP) in Mexico reports that 289,000 U.S. citizen children were enrolled in primary education in Mexico for the 2013-2014 school year. http://imumi.org/sep/grafica-2.html
- The Mexican Office of Migration Policy reports that 358,145 foreign-born children with the right to dual citizenship attended primary school in Mexico in 2013.[3]

❖ WHAT ARE THE OBSTACLES THAT BINATIONAL MIGRANT CHILDREN EXPERIENCE IN EXERCISING THEIR RIGHT TO EDUCATION?

The increase of migrant families returning to Mexico with U.S.-born children is a consequence of U.S. detention and deportation policies combined with the economic recession that began in 2008. These families face an array of obstacles in registering, continuing and certifying their children´s studies that have been documented through case work and thousands of testimonies from children, their parents, and public officials. The main obstacle reported by these children is that they have been unable to obtain an apostilled and translated US birth certificate. Without this document, children should be enrolled in school with a conditional status (pending these documents), but sometimes access is denied. The apostille is also required to register their Mexican nationality so without it, they have no way to access services as Mexican nationals.

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[1] This data is based on the numbers of children SEP has registered as "foreign." However, 98% of these children have the right to Mexican citizenship through their parents. These bi-national children should enjoy the rights afforded to citizens of both nations.
[2] Instituto Nacional de Estadística y Geografía (INEGI).
3 Unidad de Política Migratoria, SEGOB, con base en la Encuesta Nacional de Ocupación y Empleo 2013.



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❖ WHAT ARE SOME OF THE SPECIFIC OBSTACLES THAT CHILDREN FACE?

I. **Education regulations regarding registration, enrollment, accreditation, promotion, and certification are poorly implemented throughout the country.**

School Administrators' lack of familiarity with admission guidelines in certain states and municipalities throughout Mexico leads to discriminatory practices that impede access to education. In many cases children are turned away from schools because they lack an apostilled or translated birth certificate. It is common for children to lose a school year while their parents figure out how to obtain the necessary documentation from the United States. Parents often lack information about their children´s right to school enrollment and do not know where to turn for assistance.

II. **Many children are unable to certify their studies because if they are unable to obtain the "apostilled" birth certificate, they are issued a provisional diploma by the SEP.**

National Education Regulations state that once a child is enrolled, the school must certify the child's studies through an official school certificate. When a child has not been able to comply with the documentation requirements, a "conditional" certificate is issued and the official version is not released until the identity document requirements are met.

In practice, the children who receive this provisional diploma are not considered "official" students and their status is similar someone who is simply auditing a course. The provisional diploma has no validity outside of the school system and isn't recognized for scholarships or related educational benefits. Full access to education for these children is conditional upon a translated and apostilled birth certificate.

❖ HOW DOES THIS ISSUE AFFECT THE MEXICAN GOVERNMENT AND PUBLIC ADMINISTRATION?

- Government officials at a state and municipal level utilize scarce public resources to assist families to obtain original US birth certificates and the apostille stamp once they are living in Mexico. These procedures often require Mexican officials to travel to the US, pay postal charges and document fees that could be avoided if the government would eliminate the apostille requirement.
- Government officials who fail to implement the law, regulations, or international conventions violate these children´s human and constitutional rights and send the message that US citizen children of Mexican parents are second class citizens.

❖ WHAT IS THE GOVERNMENT'S RESPONSIBILITY TO GUARANTEE ACCESS TO EDUCATION?

In Mexico, all children have the constitutional right to education regardless of their nationality or immigration status. According to Mexican national law and ratified conventions, the state has the responsibility to recognize, promote, and guarantee the civil rights of migrant children. This obligation is affirmed in various international treaties, including the Convention on the Rights of the Child. Additionally, these rights are established in the Law on Education as well as the Law on the Rights of Girls, Boys, and Adolescents passed in December 2014. Official educational guidelines, the National Development Plan for 2013-2018, and the

Special Immigration Program also reiterate the right to full access to education for all children, regardless of their nationality or immigration status.

❖ WHAT IS THE IMPACT OF THESE OBSTACLES ON A CHILD'S EDUCATION AND PARTICIPATION IN SOCIETY?[4]

- Attending school with conditional status, losing a year of school or having to search for a school that will accept the child can affect a child's entire educational career. Studies show that chronic absence results in low performance. There is also a strong correlation between continuity in elementary school and the probability that a child will graduate from middle school.
- Without adequate education, children are likely to encounter difficulties with employment in the future, affecting their socio-economic conditions and general quality of life.
- Children that are unable to exercise their right to education are more vulnerable to discrimination, exploitation, organized crime, human trafficking, and child labor.
- A University of Southern California study identified the average cost of an apostille obtained once in Mexico is $4,000 Mexican pesos (approximately $275 USD).[5] The economic costs of losing a year of school can be directly correlated with the loss of future earnings of that child or adolescent, or even the possibility that the student will abandon school entirely.[6]

These costs have social implications for both the United States and Mexico.

❖ WHAT ARE THE PROPOSALS FOR CHANGE?

1. **Guarantee access to the proof of Mexican nationality.**

   Ministry of Foreign Affairs
   - Implement information campaigns to ensure that Mexican parents register their children in the Mexican consulates in the US before returning to Mexico.

   National Population and Identification Registry (RENAPO)
   - Implement a temporary program that allows children born in the US to Mexican parents the opportunity to register their Mexican nationality in local civil registry offices in Mexico without the apostille stamp.
   - Create an electronic document verification system that would allow government officials in Mexico to corroborate the validity of documents as an alternative to the apostille stamp.

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[4] Alex Becker et. al. University of Southern California Sol Price School of Public Policy USC. The Social and Economic Benefits of Dual Citizenship for U.S.-born Children in Mexico. Prepared for Instituto para las Mujeres en la Migración, A.C. May 2014. p. 6.
[5] Estimated costs for 2014.
[6] Alex Becker Et. Al. University of Southern California Sol Price School of Public Policy USC. The Social and Economic Benefits of Dual Citizenship for U.S.-born Children in Mexico. Prepared for el Instituto para las Mujeres en la Migración, A.C. May 2014. p. 23

2. **Apply official guidelines during school registration/enrollment.**

Ministry of Public Education:

- Implement an information campaign with municipal and state educational offices that instructs them to enroll all children regardless of their nationality, immigration status, or the documentation that they are able to present.
- Eliminate the apostille requirement for proof of identity.
- Eliminate the provisional school certificate issued to children who have been unable to obtain the apostille stamp.
- Allow alternatives to proof of identity such as the presentation of the child´s US birth certificate accompanied by copies of the mother´s or father´s birth certificate, or other alternatives such as:
  a) Naturalization certificate
  b) Adoption certificate
  c) Certification of paternity
  d) Passport
  e) Consular certificate
  f) Migratory document
  g) Personal identification card or national ID card

3. **Simplify the proof of nationality process in both the U.S. and Mexico.**

National Population and Identification Registry (RENAPO):

- Establish a temporary program to assist U.S.-born children and youth who have Mexican parents to register their Mexican nationality in the civil registries in Mexico without the apostille stamp.

United States Government:

- Support bi-national children´s access to education in Mexico by facilitating birth certificates, apostille stamps, or electronic forms of document verification.
- Facilitate access to passports for US citizen children residing in Mexico to ensure that they have an official identification.

To report problems with access to education, contact the Ministry of Public Education's General Office of Accreditation (Dirección General de Acreditación) telephone: 1-800-288-4298 or mail deb@sep.gob.mx



